

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

- against -

COBALT MULTIFAMILY INVESTORS I, LLC,  
COBALT MULTIFAMILY CO. I, LLC, COBALT  
CAPITAL FUNDING, LLC, MARK A. SHAPIRO,  
IRVING J. STITSKY, AND WILLIAM B. FOSTER,

Defendants,

and

VAIL MOUNTAIN TRUST,

Relief Defendant.

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff-Judgment Creditor,

-against-

COBALT MULTIFAMILY INVESTORS I, LLC,  
COBALT MULTIFAMILY CO. I, LLC, AND COBALT  
CAPITAL FUNDING, LLC,

Defendants-Judgment Debtors,

-and-

FMF, LLC AND BANK OF AMERICA, N.A.,

Respondents.

USDS SDNY  
**COURTESY**  
DOCUMENT  
**COPY**  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 5/23/17

06 Civ. 2360 (KMW) (MHD)

<sup>KMW</sup>  
~~PROPOSED~~ ORDER PURSUANT TO F.R.C.P. 69(a) and NY CPLR §§ 5225(b) and  
5227 DIRECTING BANK OF AMERICA, N.A., AND FMF, LLC, TO TURN OVER  
CERTAIN FUNDS TO THE PLAINTIFF- JUDGMENT CREDITOR FOR  
DISTRIBUTION TO DEFRAUDED INVESTORS

The Court, having reviewed the Declarations of Nancy A. Brown, executed May 18, 2017, and Leonard Weintraub, executed May 5, 2017, and the respective Exhibits thereto, Plaintiff's Memorandum of Law submitted therewith, and all prior proceedings had herein,

**IT IS HEREBY ORDERED** that Respondents FMF, LLC and Bank of America, N.A., shall turn over all funds now on deposit in the account of FMF, LLC at Bank of America, N.A., in account number xxxxxxxxxx4493 to the Commission in partial satisfaction of the Commission's judgment against Defendants-Judgment Debtors Cobalt Multifamily Investors I, LLC, Cobalt Multifamily Co. I, LLC, and Cobalt Capital Funding LLC. FMF, LLC and Bank of America, N.A. shall comply with this direction within ten (10) business days after entry of this Order. Payment may be made directly from a bank account via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>, or by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission, which shall be delivered or mailed to:

Enterprise Services Center  
Accounts Receivable Branch  
6500 South MacArthur Boulevard  
Oklahoma City, OK 73169

and shall be accompanied by a letter identifying the payor, case title, civil action number, and name of this Court, attaching this Order and a certification by Bank of America, N.A., that the payment amount constitutes the entirety of the funds in FMF, LLC account number xxxxxxxxxx4493. A copy of the correspondence and payment shall be submitted to the Commission's counsel in this action, Nancy A. Brown, Securities and Exchange Commission, 200 Vesey Street, Suite 400, New York, New York, 10281-1022; and

**IT IS HEREBY FURTHER ORDERED** that the Commission shall direct such funds transmitted to the Distribution Agent, Rust Consulting, Inc., for a distribution to be ordered on the Commission's Motion pursuant to the Plan of Distribution approved by the Court.

  
UNITED STATES DISTRICT JUDGE

Dated: 5-23, 2017